

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

KELLY WILSON,

CASE NO: 8:20-cv-643

Plaintiff,

v.

**HH SAVANNAH, LLC
and HYATT HOTELS
CORPORATION,**

Defendants.

_____ /

COMPLAINT AND DEMAND FOR JURY TRIAL

COMES NOW Plaintiff, KELLY WILSON, by and through her undersigned counselor and hereby sues Defendants, HH SAVANNAH, LLC and HYATT HOTELS CORPORATION, and alleges:

JURISDICTION, PARTIES AND VENUE ALLEGATIONS

1. This is an action for damages, exclusive of attorneys' fees and cost, that is in excess of Seventy Five Thousand Dollars (\$75,000.00).
2. Venue is proper in the Middle District of Florida as Plaintiff resides in Pasco County, Florida.
3. Plaintiff, KELLY WILSON, is a resident of Odessa, Pasco County, Florida and is over eighteen (18) years of age.
4. That at all times material hereto, Defendant, HH SAVANNAH, LLC, was and is a Delaware corporation conducting business throughout the State of Georgia, including but not limited to Savannah, Chatham County, Georgia.

5. Defendant HH SAVANNAH, LLC's current principal office address is 14185 Dallas Parkway, Suite 1100, Dallas, Texas 75254.

6. Defendant HH SAVANNAH, LLC's registered agent is Corporation Service Company, 40 Technology Parkway South, Suite 300, Norcross, Georgia 30092.

7. Defendant HH SAVANNAH, LLC conducted and engaged in business activities within the State of Georgia; engaged in substantial and not isolated activities within the State of Georgia; and purposely availed itself of the privileges of the State of Georgia, through its ownership of, operation of, management of, and control of its Hyatt Regency Hotel located at 2 W. Bay Street, Savannah, Georgia 31401.

8. On March 28, 2018, Defendant HH SAVANNAH, LLC operated its hotel located at 2 W. Bay Street, Savannah, Georgia 31401.

9. That at all times material hereto, Defendant, HYATT HOTELS CORPORATION, was and is a Delaware corporation conducting business throughout the State of Georgia, including but not limited to Savannah, Chatham County, Georgia.

10. Defendant HYATT HOTELS CORPORATION's current principal office address is 150 North Riverside Plaza, 8th Floor, Chicago, Illinois 60606.

11. Defendant HYATT HOTELS CORPORATION's registered agent is Corporation Service Company, 251 Little Falls Drive, Wilmington, Delaware, 19808.

12. Defendant HYATT HOTELS CORPORATION conducted and engaged in business activities within the State of Georgia; engaged in substantial and not isolated activities within the State of Georgia; and purposely availed itself of the privileges of the State of Georgia, through its ownership of, operation of, management of, and control of its Hyatt Regency Hotel located at 2 W. Bay Street, Savannah, Georgia 31401.

13. On March 28, 2018, Defendant HYATT HOTELS CORPORATION operated its hotel located at 2 W. Bay Street, Savannah, Georgia 31401.

14. The incident which is the subject of this litigation occurred in the Hyatt Regency Savannah Hotel located at 2 W. Bay Street, Savannah, Georgia 31401.

FACTUAL ALLEGATIONS

15. On or about March 27, 2018, Plaintiff KELLY WILSON entered the Hyatt Regency Savannah Hotel, located at 2 W. Bay Street Savannah, Georgia 31401 as a business invitee or guest as she was staying at the subject hotel for a few nights.

16. On March 28, 2018, in an effort to take a shower, Plaintiff KELLY WILSON stepped into the shower area of her bathroom at the Hyatt Regency Savannah Hotel and turned on the shower faucet.

17. While Plaintiff KELLY WILSON was taking a shower, the shower head was shooting water over the shower glass door and onto the bathroom floor creating a hazardous condition.

18. At the conclusion of her shower, Plaintiff KELLY WILSON exited the shower and suffered a fall caused by the water which was being supplied by the shower head.

19. As a result of her fall, Plaintiff KELLY WILSON suffered significant injuries to her person, including but not limited to damages to her right shoulder resulting in surgery and a scar above her lip.

20. Defendant HH SAVANNAH, LLC, knew, or in the exercise of reasonable care should have known, of the dangerous condition, or Defendant HH SAVANNAH, LLC, created the condition either through the acts of its employees, in its negligent maintenance of the subject

shower head, or in its negligent method of operation, and Defendant HH SAVANNAH, LLC, should have corrected the condition, and/or warned Plaintiff of its existence.

21. This slip and fall was due to the negligent acts and omissions of Defendant HH SAVANNAH, LLC.

22. Defendant HYATT HOTELS CORPORATION knew, or in the exercise of reasonable care should have known, of the dangerous condition, or Defendant HYATT HOTELS CORPORATION, created the condition either through the acts of its employees, in its negligent maintenance of the subject shower head, or in its negligent method of operation, and Defendant HYATT HOTELS CORPORATION, should have corrected the condition, and/or warned Plaintiff of its existence.

23. This slip and fall was due to the negligent acts and omissions of Defendant HYATT HOTELS CORPORATION.

24. As a result of the fall, Plaintiff KELLY WILSON suffered significant personal injuries.

25. All conditions precedent have been met and/or waived.

COUNT I
NEGLIGENCE OF HH SAVANNAH, LLC

26. The allegations set forth in paragraphs one (1) through eight (8), fourteen (14) through twenty one (21), twenty four (24) and twenty five (25) are incorporated herein as if set forth again in full.

27. On March 28, 2018, Plaintiff KELLY WILSON was a business invitee at the Hyatt Regency Savannah Hotel, located at 2 W. Bay Street Savannah, Georgia 31401 owned and/or operated by HH SAVANNAH, LLC.

28. Defendant HH SAVANNAH, LLC had a duty to take ordinary and reasonable care to keep its premises reasonably safe for invitees, such as Plaintiff KELLY WILSON and to warn of perils that were known or should have been known to HH SAVANNAH, LLC and of which the Plaintiff could not discover.

29. This slip and fall was due to the negligent acts of and omissions of Defendant HH SAVANNAH, LLC in that it negligently created a dangerous or negligent condition, to wit; (1) by failing to provide a safe environment for a business invitee to walk upon; (2) in failing to keep the said premises in a safe and proper condition for the use of its business invitees; and (3) in failing to warn the Plaintiff, KELLY WILSON, of the dangerous condition and to keep the premises in a safe condition, which caused the slip and fall at that place where the Plaintiff, KELLY WILSON, was caused to fall.

30. That at the time and place aforesaid, Defendant, HH SAVANNAH, LLC, negligently maintained, operated or controlled said premises as to cause Plaintiff KELLY WILSON to be injured thereon at a time when the Defendant, HH SAVANNAH, LLC, caused the premises to be unsafe, and knew, or by the exercise of ordinary care, should have known, that said area was not in a reasonably safe condition commensurate with the circumstances of its use by patrons, or in the alternative;

31. At the aforesaid time and place, Defendant, HH SAVANNAH, LLC, failed to exercise proper care in maintaining the said area in a safe condition, or in the alternative;

32. Employed incompetent, inexperienced unskilled or careless employees and/or failed to exercise proper supervision of said employees in maintaining the said area in a proper, safe condition, thereby causing serious injuries to Plaintiff KELLY WILSON as herein alleged, or in the alternative;

33. That at the time and place aforesaid, the Defendant, HH SAVANNAH, LLC, knew of the existence of the “dangerous environment” in the area, and in the exercise of their duty to maintain the said area in a reasonably safe condition for the invitees’ use, so carelessly and negligently maintained said area that it was, in fact, a hazard, and it caused the Plaintiff, KELLY WILSON, to fall violently substantially injuring herself.

34. As a direct and proximate result of Defendant HH SAVANNAH, LLC’s breach of duty, Plaintiff KELLY WILSON, has suffered bodily injury, aggravation of pre-existing injuries and resulting pain and suffering, disability, mental anguish and loss of earnings and has incurred substantial medical expenses for treatment and care, past, present and future. Said losses, injuries, and expenses are either permanent or continuing in nature and Plaintiff, KELLY WILSON, will continue to suffer same in the future.

WHEREFORE, Plaintiff KELLY WILSON demands judgment against Defendant HH SAVANNAH, LLC in an amount which exceeds the jurisdictional requirements of this Court, plus interest and costs; and further demands such other and further relief as this Court may deem just, proper and equitable.

COUNT II
NEGLIGENCE OF HYATT HOTELS CORPORATION

35. The allegations set forth in paragraphs one (1) through three (3), nine (9) through nineteen (19) and twenty two (22) through twenty five (25) are incorporated herein as if set forth again in full.

36. On March 28, 2018, Plaintiff KELLY WILSON was a business invitee at the Hyatt Regency Savannah Hotel, located at 2 W. Bay Street Savannah, Georgia 31401 owned and/or operated by HYATT HOTELS CORPORATION.

37. Defendant HYATT HOTELS CORPORATION had a duty to take ordinary and reasonable care to keep its premises reasonably safe for invitees, such as Plaintiff KELLY WILSON and to warn of perils that were known or should have been known to HYATT HOTELS CORPORATION and of which the Plaintiff could not discover.

38. This slip and fall was due to the negligent acts of and omissions of Defendant HYATT HOTELS CORPORATION in that it negligently created a dangerous or negligent condition, to wit; (1) by failing to provide a safe environment for a business invitee to walk upon; (2) in failing to keep the said premises in a safe and proper condition for the use of its business invitees; and (3) in failing to warn the Plaintiff, KELLY WILSON, of the dangerous condition and to keep the premises in a safe condition, which caused the slip and fall at that place where the Plaintiff, KELLY WILSON, was caused to fall.

39. That at the time and place aforesaid, Defendant, HYATT HOTELS CORPORATION, negligently maintained, operated or controlled said premises as to cause Plaintiff KELLY WILSON to be injured thereon at a time when the Defendant, HYATT HOTELS CORPORATION, caused the premises to be unsafe, and knew, or by the exercise of ordinary care, should have known, that said area was not in a reasonably safe condition commensurate with the circumstances of its use by patrons, or in the alternative;

40. At the aforesaid time and place, Defendant, HYATT HOTELS CORPORATION, LC, failed to exercise proper care in maintaining the said area in a safe condition, or in the alternative;

41. Employed incompetent, inexperienced unskilled or careless employees and/or failed to exercise proper supervision of said employees in maintaining the said area in a proper,

safe condition, thereby causing serious injuries to Plaintiff KELLY WILSON as herein alleged, or in the alternative;

42. That at the time and place aforesaid, the Defendant, HYATT HOTELS CORPORATION, knew of the existence of the “dangerous environment” in the area, and in the exercise of their duty to maintain the said area in a reasonably safe condition for the invitees’ use, so carelessly and negligently maintained said area that it was, in fact, a hazard, and it caused the Plaintiff, KELLY WILSON, to fall violently substantially injuring herself.

43. As a direct and proximate result of Defendant HYATT HOTELS CORPORATION’s breach of duty, Plaintiff KELLY WILSON, has suffered bodily injury, aggravation of pre-existing injuries and resulting pain and suffering, disability, mental anguish and loss of earnings and has incurred substantial medical expenses for treatment and care, past, present and future. Said losses, injuries, and expenses are either permanent or continuing in nature and Plaintiff, KELLY WILSON, will continue to suffer same in the future.

WHEREFORE, Plaintiff KELLY WILSON demands judgment against Defendant HYATT HOTELS CORPORATION in an amount which exceeds the jurisdictional requirements of this Court, plus interest and costs; and further demands such other and further relief as this Court may deem just, proper and equitable.

DEMAND FOR JURY TRIAL

Plaintiff demands trial by jury of all issues triable as of right by jury.

Dated this 19th, day of March, 2020.

GEORGE C. KEZEMIDES, P.A.
ATTORNEY AT LAW

/s/ George C. Kezemides

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